

CWP No.1336 of 2006.

7.8. 2007

Present : Ms.Bhawana Dutta, counsel for the petitioner.
Mr.M.S.Chandel, A.G. with Mr.R.M.Bisht, Dy.A.G. for
Respondents 1 to 4.
Mr.Ajay Goel, counsel for respondents 5 to 8.

The petitioner by means of this writ petition has alleged that respondents 5 to 8 have encroached upon the forest land and that the State has failed to take any effective steps to evict the said respondents from the said land. It has also been prayed that the action be taken against respondents 5 to 8 under the provisions of Indian Forest Act.

According to the State, respondents 5 to 8 have encroached upon the Government land and it was submitted in the reply that action has been initiated against these respondents under the H.P. Public Premises & Land (Eviction & Rent Recovery) Act, 1971.

The stand of the respondents 5 to 7 is that they have not encroached upon any land whatsoever. The stand of respondent No.8 is that he is in possession of the land pursuant to some orders passed by the Government and has not encroached upon any land.

On the last date of hearing this Court had indicated that it may be more appropriate for the State to initiate proceedings under Section 163 of the H.P. Land Revenue Act. Mr.R.M.Bisht, learned Dy.Advocate General points out that he has received a communication from the Under Secretary (Forest) that proceedings are being initiated under Section 163 of the H.P. Land Revenue Act against respondents 5 to 8.

We are not going into the merits of the case. This is a matter to be decided by an appropriate authority. Since the stand of the

State itself is that respondents 5 to 8 have encroached upon the Forest land, we dispose of this writ petition with the directions that respondents 1 to 4 shall ensure that proceedings against respondents 5 to 8 shall be initiated under the H.P. Land Revenue Act within one month from today. These proceedings shall be carried out on day to day basis and shall be finally disposed of on or before 30th April, 2008. In case respondents 5 to 8 or any one of them raise the question of title or adverse possession, the Land Revenue Officer concerned shall determine the question like a Civil Court in terms of Section 163 of the Land Revenue Act. The respondents 3 & 4 may if they so desire take out appropriate proceedings under Section 33 of the Indian Forest Act against the respondents 5 to 8.

Petition disposed of. No costs.

CMP No.1734 of 2007:

In view of the disposal of the writ petition, this application is also disposed of.

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**(Deepak Gupta),
Judge**

**August 7, 2007
PV**

**(V.K. Ahuja)
Judge.**